



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): JONES, Richard et al. EXAMINER: Not yet assigned

SERIAL NO.: 10/813,637 GROUP ART UNIT: Not yet assigned

FILED: March 31, 2004 ATTORNEY DOCKET No.: P-6478-US

FOR: ATHERMAL BRAGG GRATING

Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Sir:

In response to the Notice to File Missing Parts of Application under 37 CFR 1.53(b), mailed June 15, 2004 (a copy of which is enclosed), Applicant(s) submit herewith the following:

1.  an executed Declaration and Power of Attorney making reference to the above-identified application, and in compliance with 37 C.F.R. 1.63;
2.  Applicant(s) Claim Small Entity Status;
3.  a Preliminary Amendment
4.  Substitute Specification and Drawings

A response is due August 15, 2004. Accordingly, this response is being timely filed.

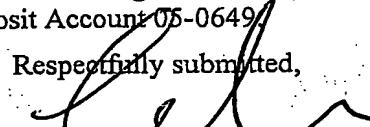
The Patent Office is hereby authorized to charge Deposit Account 05-0649 in the amount of \$1040, covering the following:

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 SERIAL NO: 10/813,637  
 FILED: March 31, 2004  
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| FEE CALCULATION   |         |          |   |   |     |   |    |
|---|---------|----------|---|---|-----|---|----|
| <b>1. BASIC FILING FEE</b>  |         |          |   |   |     |   |    |
| Large Entity Fee      Small Entity Fee                                  |         |          |   |   |     |   |    |
| Utility   | \$770   | \$385    |   |   | 770 |   |    |
| Provisional   | \$160   | \$80     |   |   | 0   |   |    |
| <b>2. EXTRA CLAIM FEES</b>  |         |          |   |   |     |   |    |
| Total Claims      23      -20 ** =      3      x      18      =      54 |         |          |   |   |     |   |    |
| Independent Claims  | 4       | - 3 ** = | 1                                       | x | 86  | = | 86 |
| Multiple Dependent      x      =      0                                 |         |          |   |   |     |   |    |
| Large Entity Fee  | \$18    | \$9      | Fee Description                         |   |     |   |    |
|   |         |          | Claims in excess of 20                  |   |     |   |    |
|   | \$86    | \$43     | Independent claims in excess of 3       |   |     |   |    |
|   | \$290   | \$145    | Multiple dependent claim, if not paid   |   |     |   |    |
|   |         |          |   |   | 140 |   |    |
| <b>3. Fee for Petition for Extension of Time</b>                        |         |          |   |   |     |   |    |
| Large Entity Fee      Small Entity Fee                                  |         |          |   |   |     |   |    |
|   | \$110   | \$55     | Extension for reply within first Month  | 0 |     |   |    |
| Utility   | \$420   | \$210    | Extension for reply within second Month | 0 |     |   |    |
|   | \$950   | \$475    | Extension for reply within third Month  | 0 |     |   |    |
|   | \$1,480 | \$740    | Extension for reply within fourth Month | 0 |     |   |    |
| <b>4. Surcharge Fee Under 37 CFR 1.16(e) or 1.492(e)</b>                |         |          |   |   |     |   |    |
| Large Entity Fee      Small Entity Fee                                  |         |          |   |   |     |   |    |
| Utility   | \$130   | \$65     |   |   | 130 |   |    |
| <b>5. Surcharge Fee Under 37 CFR 1.16(l)</b>                            |         |          |   |   |     |   |    |
| Large Entity Fee      Small Entity Fee                                  |         |          |   |   |     |   |    |
| Provisional   | \$50    | \$25     |   |   | 0   |   |    |
| <b>TOTAL</b> 1,040  |         |          |   |   |     |   |    |

If any additional fee is required, the undersigned attorney hereby authorizes the Patent Office to charge such additional fee to Deposit Account 05-0649.

Respectfully submitted,

  
 Caleb Pollack  
 Attorney for Applicant(s)  
 Registration No. 37,912

Dated: August 16, 2004

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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/813,637         | 03/31/2004             | Richard Jones         | P-6478-US              |

CONFIRMATION NO. 4979

27130  
EITAN, PEARL, LATZER & COHEN ZEDEK LLP  
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NEW YORK, NY 10020

EPLC  
RECEIVED

17 JUN 2004

FORMALITIES LETTER  
Barcode  
\*OC000000012953279\*

Date Mailed: 06/15/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages all are

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|            |           |
|------------|-----------|
| 01 FC:1001 | 770.00 DA |
| 02 FC:1051 | 130.00 DA |
| 03 FC:1201 | 86.00 DA  |
| 04 FC:1202 | 54.00 DA  |

not in compliance with 37 CFR 1.52(a).

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:

- The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) all.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$140 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$1040 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$140
  - \$86 for 1 independent claims over 3.
  - \$54 for 3 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

*11/20/02*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE